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Frank

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Reg. Fee
Reconsideration
Ross
12-2002
ATTENTION: BOX AFTER FINAL
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 3661

PATENT
Customer No. 22,852
Attorney Docket No. 06753.0386-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hajime ITO, et al.

Application No.: 09/699,371

Filed: October 31, 2000

For: VEHICLE INFORMATION
PROCESSING METHOD,
APPARATUS THEREFOR
AND VEHICLE THEREWITH

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) Group Art Unit: 3661
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) Examiner: O. Hernandez
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Assistant Commissioner for Patents
Washington, DC 20231

GROUP 3600 OFFICE OF PETITIONS

Sir:

REQUEST FOR RECONSIDERATION

In the Final Office Action mailed July 2, 2002, the Examiner rejected claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Dominke, et al. (U. S. Patent No. 6,154,688, hereinafter "Dominke"). Because the Final Office Action deviates from representations made during the May 13, 2002, interview between the Examiner, the Supervisory Patent Examiner, and Applicants' representatives, Applicants respectfully request reconsideration and withdrawal of the rejections to the pending claims.

REJECTION UNDER 35 U.S.C. § 102(e)

In the May 13th interview and resulting Interview Summary, the Examiner represented that claims 1 and 11, as attached to the interview summary, "patentably

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distinguish over Dominke, et al. (6,154,688)." Subsequently, Applicants filed an Amendment on June 13, 2002, in reliance on the agreement reached at the interview and addressing the Examiner's concerns over informalities in the claim language. Applicants' submit that the claims entered during the June 13th Amendment are substantially identical to the claims proposed during the May 13th interview. Any differences between the language entered during the June 13th Amendment and the proposed claims attached to the Interview Summary were in response to 35 U.S.C. §112 objections made in the Office Action mailed January 15, 2002. In addition, the Office Action mailed January 15, 2002, did not reject claim 21 as being anticipated by Dominke. The only rejection to claim 21 in that Office Action was under §112 grounds.

During the May 13th interview, Applicants' representatives specifically asked if claim 21 was being rejected as being anticipated by Dominke. The Examiner indicated that this was not the case and that claim 21 was only rejected under §112. However, in the Final Office Action mailed July 2, 2002, the Examiner rejects claim 21 as being anticipated by Dominke even though the claim amendments were properly in response to overcome solely §112 rejections. Due to the representations made by the Examiner during the Interview of May 13, 2002, and the statements memorialized in the Interview Summary, the §102(e) rejection of claims 1, 11, and 21 cannot be sustained and the pending claims should be allowed.

Further, as noted during the May 13th interview, the present invention is not anticipated by Dominke. Dominke does not disclose all of the elements of claim 1, including at least "integrating said diversified pieces of information; providing each of the integrated pieces of information with a priority order indicating an importance of each

piece of information.” Dominke discloses a structured command flow, through several hierarchal levels, for the operation of structures and components within a vehicle in response to one command from the highest hierarchal level. Specifically, Dominke provides a first hierarchal level, which may be a driver of a vehicle, that issues commands to a second hierarchal level, which in turn issues commands to a third hierarchal level depending upon the structured command flow. This process of issuing commands continues to subsequent hierarchal levels until components within a vehicle, such as steering, clutch control, drive train, etc., are controlled in response to the first command from the first hierarchal level (e.g., the driver). (See Dominke, col. 2, line 43 - col. 3, line 7). Since only one command is processed at a time in the Dominke disclosure and not processed based on the importance of the command, the components are controlled simply because of the structured command flow. Therefore, Dominke does not disclose at least “allocating one or more appropriate resources selected from a plurality of diversified resources to the integrated pieces of information according to the priority order given to the integrated pieces of information” (emphasis added).

For the reasons set forth for claim 1, all of the elements of claims 11 and 21 are not disclosed in Dominke including, “a priority order control means for integrating said diversified pieces of information and providing each of the integrated pieces of information with a priority order indicating an importance of each piece of information; and a resource allocation control means for, when one or more pieces of information are processed in said vehicle, allocating one or more appropriate resources selected